

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

COMMON CAUSE; *et al.*

Plaintiffs,

v.

DAVID R. LEWIS, *et al.*

Defendants.

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Case No. 18 CVS 014001

AFFIDAVIT OF BRIAN NEESBY

The undersigned being duly sworn, deposes and says:

1. My name is Brian Neesby. I have personal knowledge of the matters explained below.
2. I am currently employed by the North Carolina State Board of Elections (“SBE”) as Chief Information Officer. In this role, I am familiar with the standards governing precinct boundaries for voting in North Carolina.
3. In 2020, under a new state law (S.L. 2019-16), the SBE will be responsible for setting uniform standards for drawing precinct boundaries in this State. In my role with the SBE, I am involved in recommending such standards for the SBE to adopt.
4. Until the implementation of this new law in 2020, the State Board does not impose (and has not imposed) any uniform substantive standards on county boards of elections for drawing precinct boundaries, aside from the requirement in N.C. Gen. Stat. § 163A-1071(a) that precincts consist of contiguous territory. This statement was true for the precincts that existed throughout 2017. Procedures for alterations to approved precinct boundaries are found in N.C. Gen. Stat. § 163A-1071 (formerly codified at N.C. Gen. Stat. § 163-132.3) and in an April


16, 2015 memorandum from the SBE's former executive director, a true copy of which is attached as Exhibit A.

5. The statutes granting county boards of elections the authority to set precinct boundaries are found at N.C. Gen. Stat. §§ 163A-769(4) and -1045 (formerly codified at N.C. Gen. Stat. §§ 163-33 and -128). Beyond these statutes and memorandum, I am not aware of any other state requirements or standards imposed on county boards in the establishment of precinct boundaries in 2017.

This the 12th day of July, 2019.


Brian Neesby

Sworn and subscribed before me
this the 12th day of July 2019.


Notary Public

My commission expires: 12-11-2023

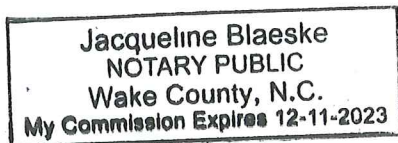
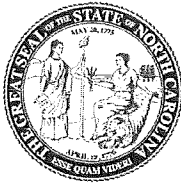


Exhibit A



NORTH CAROLINA

State Board of Elections

Mailing Address:
P.O. Box 27255
Raleigh, NC 27611-7255

Phone: (919) 733-7173
Fax: (919) 715-0135

KIM WESTBROOK STRACH
Executive Director

April 16, 2015

PRECINCT CHANGE MEMORANDUM

To: All County Board of Elections
From: Kim W. Strach
RE: Precinct Change Proposal Requirements

County Boards who are considering altering their precincts will need to submit to the State Board of Elections a "Precinct Change Proposal" package consisting of the material listed below. In order for SBE to properly review and record precinct alterations, a Precinct Change Proposal must be received in our office no less than 105 days prior to the next election that the new precincts boundaries will be in effect. Changes are not effective until approved by this agency.

Please submit the following information as your proposal package:

1. Cover letter in executive summary format indicating what the county is proposing and why. Be sure to make notation of any special circumstances, history or background related to change and any relevant information to be considered. Include all necessary contact information in the event staff has questions about the proposal.
2. Include the election date for which the precinct change will be effective.
3. A copy of the County Board's signed resolution authorizing the change.
4. A description of how the county will comply with G.S. 163-132.3 by recording votes by voting tabulation district.
5. The new SEIMS precinct code name(s) and SEIMS precinct description name(s) in accordance with G.S. 163-132.3(a)
6. Electronic images (PDF, JPG, etc.) of the proposed precinct(s) to be altered showing the current and proposed boundaries and the location of the assigned polling site.
7. Electronic Map of the proposed precinct(s) – countywide map. Maps to be in electronic form, ArcGIS shape file (.shp) compatible.
8. Written descriptions of the proposed precinct boundary lines.
9. Polling Place Accessibility Survey for each polling site assigned to the new precincts.
10. Submit polling place pictures for each proposed precinct alteration. Update polling place pictures in SEIMS via the VoterView module after receiving SBE approval.
11. How you plan to inform voters of the change, once approved, including a draft Copy of "Notification to Voters", i.e., newspaper ad and/or letter to voters notifying the public of the change.
12. Both the old and new precinct demographics.

The preferred method for submission is to add your complete proposal package to FileZilla\Precinct Management\Precinct Review Committee folder. You can also, email your completed package to Elections.SBOE@ncsbe.gov with a subject title of "Precinct Review Committee". But be aware that not all email systems will allow large files to be transmitted. To notify staff and ensure your package was received, please send follow up email to Neil.Baddour@ncsbe.gov stating you have sent information.

If you have any questions regarding how to submit your request or the documentation, please contact the SEIMS Helpdesk at HelpRequest.SBOE@ncsbe.gov.

§ 163-132.3. Alterations to approved precinct boundaries.

(a) No county board of elections may change any precinct boundary unless the Executive Director of the State Board of Elections determines that the county board has a current capability of complying with G.S. 163-132.1B(a2) by reporting all election returns by voting tabulation district as required by G.S. 163-132.5G. If the Executive Director so determines, the county board may make any changes to precinct boundaries, provided that all proposed new precincts shall consist solely of contiguous territory. The State Board of Elections may set uniform standards for precinct boundaries, which the county boards of elections shall follow. The county board of elections shall report every change in precinct boundary to the Executive Director in a format required by the Executive Director.

The county boards of elections shall report precinct boundary changes to the Executive Director in the manner the Executive Director directs. No newly created or altered precinct boundary is effective until approved by the Executive Director of the State Board as being in compliance with this section.

(b) The Executive Director of the State Board of Elections shall examine the maps of the proposed new or altered precincts and any required written descriptions. If the Executive Director of the State Board determines that all precinct boundaries are in compliance with this section, the Executive Director of the State Board shall approve the maps and written descriptions as filed and these precincts shall be the official precincts.

(c) If the Executive Director of the State Board determines that the proposed precinct boundaries are not in compliance with subsection (a) of this section, the Executive Director shall not approve those precinct boundaries. The Executive Director shall notify the county board of elections of his disapproval specifying the reasons. The county board of elections may then resubmit new precinct maps and written descriptions to cure the reasons for their disapproval.